

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|--|---|---------------------------------|
| Richard Clark and Shawn Martin, |) | Civil Action No.: 8:19-1846-BHH |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| Michael E. Hunt <i>in his representative</i> |) | <u>ORDER</u> |
| <i>capacity for the Aiken County Sheriff's</i> |) | |
| <i>Office</i> , Dexter Bowman, John Does 1-8, |) | |
| Jody Perry Rowland <i>in his representative</i> |) | |
| <i>capacity for the Edgefield County Sheriff's</i> |) | |
| <i>Office</i> , Sam Sherill, Hart Halsey LLC d/b/a |) | |
| Extra Duty Solutions, and Row Crop LLC, |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the Court upon the complaint filed by Plaintiffs Richard Clark and Shawn Martin ("Plaintiffs") pursuant to 42 U.S.C. § 1983. On July 8, 2021, Defendant Hart Halsey, LLC filed a motion for judgment on the pleadings (ECF No. 58), and Plaintiffs filed a response (ECF No. 68) consenting to the dismissal of this Defendant.

In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On August 9, 2021, Magistrate Judge Kevin F. McDonald issued a Report and Recommendation ("Report"), outlining the issues and recommending that Defendant Hart Halsey, LLC be dismissed from this suit with prejudice and without assessment of costs, in accordance with the parties' agreement. Attached to the Magistrate Judge's Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that Defendant Hart Halsey, LLC should be dismissed from this action with prejudice.

Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 70), and the Court dismisses this action with prejudice and without assessment of costs as to Defendant Hart Halsey, LLC, thereby rendering moot Hart Halsey, LLC’s motion for judgment on the pleadings (ECF No. 58). This action remains pending against all other Defendants.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

August 31, 2021
Charleston, South Carolina